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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,957	08/13/2007	Stephan Rieth	BE-190PCT	1872
40570	7590	02/01/2010		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER ROSE, ROBERT A	
			ART UNIT	PAPER NUMBER
			3727	
			MAIL DATE	DELIVERY MODE
			02/01/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### DETAILED ACTION

1. Claims 2, and 13-14 have been canceled.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yee. Yee discloses a manual grinding tool comprising all of the subject matter set forth in Applicant's claims above. Note rotating grinding head(16) with gear unit and elongate housing with housing extension at a right angle to the housing; and guide device(40) connected to the housing extension. The guide device is inherently capable of being applied against the workpiece in a sliding manner to stabilize the tool during grinding. With regard to claim 11, the guide device is pivotably adjustable about the axis of the tool.
4. Claims 8, 12, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Applicant's arguments filed September 28, 2009 have been fully considered but they are not persuasive. Applicant has amended claim 1 to recite that the tool can be pressed against the workpiece at at least three bearing points. This is entirely dependent upon the shape of the workpiece being ground, and the device of Yee is deemed to be capable of such contact, at least for some workpiece shapes. Applicant

had amended claim 1 to recite that the tool has an elongate housing, and has a housing extension extending at a right angle to the longitudinal axis of the housing, and the shaft of the grinding head is mounted at a right angle to the housing. This limitation is also deemed to be anticipated by Yee. In Yee, a conventional angle grinder is shown, having an elongate housing and a right angle extension, with a shaft at right angle to the housing. The guard member (40) is deemed to constitute a guide, since it is fully capable of being applied against the work to steady the tool during use. Edges of the guide are read as stop elements, as broadly recited, since they can be used to prevent movement of the tool when applied against the work.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-

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4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter, can be reached at (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert Rose/  
Primary Examiner  
Art Unit 3727

Rr

January 28, 2010.